

## SENATE BILL No. 383

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-42-24.

**Synopsis:** Chymopapain use by pain management physicians. Allows a physician who specializes in pain management to administer chymopapain. Removes language from a disclosure form that states that the manufacturing and distribution of chymopapain is banned by the federal Food and Drug Administration.

**Effective:** July 1, 2005.

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**Riegsecker**

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January 11, 2005, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 383

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 16-42-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The state department shall establish a record keeping system concerning the use of chymopapain and its effectiveness. The state department may require:

- (1) neurosurgeons; ~~and~~
- (2) orthopedic surgeons; **and**
- (3) **physicians licensed under IC 25-22.5 who specialize in pain management;**

to supply information concerning the use of chymopapain.

SECTION 2. IC 16-42-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Only:

- (1) a neurosurgeon; ~~or~~
- (2) an orthopedic surgeon; **or**
- (3) **a physician licensed under IC 25-22.5 who specializes in pain management;**

may administer chymopapain. Chymopapain may only be administered in a hospital licensed under IC 16-21-2.



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SECTION 3. IC 16-42-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Except as provided in section 10 of this chapter, a hospital may not interfere with the physician-patient relationship by restricting or forbidding the use of chymopapain for treatment of certain back ailments if the following conditions are met:

(1) Chymopapain is administered by:

(A) a neurosurgeon; ~~or~~

(B) an orthopedic surgeon; **or**

(C) **a physician who specializes in pain management;**

holding an unlimited license to practice medicine in Indiana.

(2) The patient has signed the request form described in section 7 of this chapter.

SECTION 4. IC 16-42-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. A neurosurgeon, ~~or~~ an orthopedic surgeon, **or a physician who specializes in pain management** may not be subjected to disciplinary action by the medical licensing board of Indiana for administering chymopapain to a patient under the ~~neurosurgeon's, or neurosurgeon's,~~ orthopedic surgeon's, **or physician's** care to treat certain back ailments if the patient has signed the request form described in section 7 of this chapter.

SECTION 5. IC 16-42-24-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. A neurosurgeon, ~~or~~ an orthopedic surgeon, **or a physician who specializes in pain management** may administer chymopapain instead of other modes of therapy for treatment of certain back ailments of a patient who has signed the request form described in section 7 of this chapter.

SECTION 6. IC 16-42-24-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The state department shall prepare a form for a patient to use to request administration of chymopapain. The form must be substantially in the following form:

REQUEST FOR ADMINISTRATION OF  
CHYMOPAPAIN FOR MEDICAL  
TREATMENT

Patient's name \_\_\_\_\_

Address \_\_\_\_\_

Age \_\_\_\_\_ Sex \_\_\_\_\_

Name and address of administering physician  
\_\_\_\_\_

Physical condition diagnosed for medical treatment by \_\_\_\_\_

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1 chymopapain

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 My physician has explained the following to me:

5 ~~(1) That the manufacture and distribution of chymopapain has~~  
6 ~~been banned by the federal Food and Drug Administration.~~

7 (2) that there are alternative recognized treatments for the back  
8 ailment from which I suffer that my physician has offered to  
9 provide for me, including the following: (Here describe)

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 Notwithstanding this explanation, I request the administration of  
13 chymopapain in the medical treatment of the back ailment from  
14 which I suffer.

15 \_\_\_\_\_  
16 Patient or person signing for patient

17 ATTEST:

18 \_\_\_\_\_  
19 Prescribing physician

20 (b) A copy of the request form shall be sent immediately after  
21 execution to the state department.

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